

REAL ESTATE BOARD
MINUTES OF MEETING

November 6, 2008

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Byrl Taylor, Vice Chair
R. Schaefer Oglesby
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Sharon P. Johnson
Scott Gaeser
Florence Daniels

Board Member not present: Carol Clarke

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Mary Broz-Vaughan, Director of Communications, Legislation and Consumer Education
Liz Hayes, Fair Housing Administrator
Arthur Ryan, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Steven Jack and Tom Payne from the Office of the Attorney General were present.

Byrl Taylor called the meeting to order at 9:05 A.M.

Call to Order

A motion was made by Mr. Oglesby and seconded by Mr. Gaeser to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Agenda

There was no public comment.

Public Comment

A motion was made by Ms. Daniels and seconded by Ms. Clark to adopt

Minutes

the following minutes: September 10, 2008, Informal Fact-Finding Conference; September 15, 2008, Informal Fact-Finding Conference; September 18, 2008, Informal Fact-Finding Conference; September 18, 2008, Real Estate Board Meeting; September 19, 2008, Informal Fact-Finding Conference; and October 6, 2008, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Edith Branham v. Gloria Jacobs, Drucker & Falk, LLC, and Wendy C. Drucker, REB File Number 2009-00692**, no action was required of the Board. The complainant was withdrawn, and closed administratively.

In the matter of **Henry Edgar v. Frye Properties, D. B. Frye and Paula Tolson, REB File Number 2008-04336**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Kristina Vaquera, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **Sandra Tabb v. Michelle Bell, Steven Rowe, and Bay Country, Inc., REB File Number 2008-03947**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. J. C. Cancelleri, attorney for the respondents, and Steven Rowe, respondent, were present and addressed the Board.

At 9:22 A.M., Ms. Clark offered a motion which was seconded by Ms. Johnson, that the Board be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Rom Payne, Liz Hayes, and Angela Keefe-Thomas.

This motion is made with respect to the matter(s) identified as agenda

**Fair Housing
Administrators Report**

**Edith Branham v. Gloria
Jacobs, Drucker & Falk,
LLC and Wendy C.
Drucker, REB File
Number 2008-00692**

**Henry Edgar v. Frye
Properties, D. B. Frye
and Paula Tolson, REB
File Number 2008-04336**

**Sandra Tabb v. Michelle
Bell, Steven Rowe, and
Bay Country, Inc., REB
File Number 2008-03947**

Closed Session

item(s):

Fair Housing Case 3 REB File Number 2008-03947, Sandra Tabb v. Michelle Bell, Steven Rowe, and Bay Country, Inc.

At 9:36 A.M., a motion was made by Mr. Gaeser and seconded by Ms. Johnson that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 8-0

AYES: Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

NAYS: None

ABSENT FROM THE VOTE: None

ABSENT DURING THE MEETING: Clarke

In the matter of **Sandra Tabb v. Michelle Bell, Steven Rowe, and Bay Country, Inc., REB File Number 2008-03947**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Gaeser and seconded by Ms. Clark to find reasonable cause against the respondents for discrimination based on familial status. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor. A motion was made by Ms. Johnson and seconded by Ms. Daniels to find no reasonable cause against the

Sandra Tabb v. Michelle Bell, Steven Rowe, and Bay Country, Inc., REB File Number 2008-03947

respondents for discrimination based on race. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **Melissa Jackson and Keith Marousek v. John M. Ryan and Anne Marie T. Ryan, REB File Number 2009-00555**, A motion was made by Ms. Johnson and seconded by Ms. Clark to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Conciliation Agreement

A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the Fair Housing Sub-Committee minutes of September 18, 2008. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Fair Housing Minutes

In the matter of **File Number 2009-00573, Jerry Fleming**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Fleming, the applicant, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Fleming’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

**File Number 2009-00573,
Jerry Fleming**

In the matter of **File Number 2009-00396, James Earhart**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Earhart, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Earhart’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

**File Number 2009-00396,
James Earhart**

In the matter of **File Number 2008-04834, Ronald Byrd**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Byrd, the applicant, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms.

**File Number 2008-04834,
Ronald Byrd**

Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Byrd's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-01041, Denise Vice**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Denise Vice, the applicant, and Adam Harrell, Jr., participant, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Brown to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the Board's regulation 18 VAC 135-20-40.2 and other applicable law: § 54.1-2105.C of the *Code of Virginia*, deny Ms. Vice's application for a real estate broker's license. The Board denies the application based upon the record. After reviewing the facts, the Board is of the opinion that Ms. Vice is lacking in the necessary brokerage experience. In addition, the Board determines Ms. Vice does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser and Johnson. Member voting "No" was Taylor.

File Number 2009-01041,
Denise Vice

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01121, Doryan L. Winkelman**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Doryan Winkelman, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation to deny Mr. Winkelman's application for a broker's license based upon the record. The Board considered it Regulations: 18 VAC 135-20-40.2 and other applicable law: § 54.1-2105.C of the *Code of Virginia*. After reviewing the facts, the Board determines Mr. Winkelman does not meet the requirement of being actively engaged as a salesperson and/or broker for 36 of the 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-01121,
Doryan L. Winkelman

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00574, Jacqueline Jones**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Jones, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson, and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Jones' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-00574,
Jacqueline Jones

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00575, Irene B. Pittman**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Irene Pittman, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation to deny Ms. Pittman's application for a broker's license based upon the record. The Board considered it Regulations: 18 VAC 135-20-60.7 and other applicable law: § 54.1-2105 of the *Code of Virginia*. After reviewing the facts, the Board determines Ms. Pittman does not meet the requirement of being actively engaged as a salesperson and/or broker for 36 of the 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-00575,
Irene B. Pittman

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00667, Nathaniel Terry**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Terry, the applicant, was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Terry's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-00667,
Nathaniel Terry

In the matter of **File Number 2008-04835, Kevin Tanner**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Tanner's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-04835,
Kevin Tanner

In the matter of **File Number 2008-02285, Jose L. Semidey**, the Board reviewed the Consent Order as seen and agreed to by Mr. Semidey. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Semidey admits to a violation of 18 VAC 135-20-330 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.B.1.b (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-185.C.3 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$800.00 for the violation contained in Count 1, \$800.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 3, \$600.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$3,850.00. In addition, for violation of Count 1, Semidey agrees to complete at least four (4) hours of continuing education pertaining to Broker Management and Supervision and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continued education hours will not count towards any continuing education requirement, if applicable, for renewal of license. Further, for violation of Count 2, Semidey agrees to complete at least four (4) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within (6) month of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continued education hours will not count towards any continuing education requirement, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-02285,
Jose L. Semidey

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02761, Joanne McElroy-Hall**, the Board reviewed the Consent Order as seen and agreed to by Ms. McElroy-Hall. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Ms. McElroy-Hall admits to a violation of §54.1-2133.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$700.00. In addition, for violation of Count 1, McElroy-Hall agrees to complete at least two (2) classroom hours of continuing education pertaining to Real Estate Agency and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-02761,
Joanne McElroy-Hall

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04004, Jose M. Zepeda**, the Board reviewed the Consent Order as seen and agreed to by Mr. Zepeda. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the terms of the Consent Order wherein Mr. Zepeda admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Zepeda agrees to voluntary revocation of his license. The motion failed. Members voting "Yes" were Gaeser, Johnson, and Taylor. Members voting "No" were Daniels, Clark, and Childress. Mr. Brown abstained from voting in this matter.

File Number 2008-04004,
Jose M. Zepeda

A motion was made by Ms. Childress and seconded by Ms. Daniels to reject the proposed Consent Order offer and extend a counter offer to Mr. Zepeda wherein Zepeda admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 1, Zepeda agrees to voluntary revocation of his license. If Mr. Zepeda does not accept the counter offer within 10 days, the case will go to an Informal Fact-Finding Conference. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Daniels and

Gaeser. Members voting “No” were Johnson and Taylor.

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00420, John A. Sears**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. John A. Sears, respondent, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-00420,
John A. Sears

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,500.00 for the violation contained in Count 1. In addition, for the violation contained in Count 1, Sears’ license will be placed on probation for a period of two (2) years to include the following: 1) Sears, and his broker, will report on a quarterly basis to the Board that he is in compliance with the rules and regulations of the Board; 2) Sears provide evidence acceptable to the Board that he has attended and successfully completed three (3) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board. Such course shall be completed in classroom hours (no on-line courses). Sears must provide proof of the of the course completion within 90 days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Johnson, Gaeser and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02736, Linda G. Moore**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board members, with a correction to the summary noting Ms. Moore is the respondent, and not the complainant. A motion was made by Ms.

File Number 2008-02736,
Linda G. Moore

Childress and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find (2 violations) of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and find (2 violations) of 18 VAC 135-20-260.6. (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no monetary penalty for the violation contained in Count 1, and \$1,000.00 for each violation contained in Count 2, for a total of \$2,000.00. In addition, for the violation of Count 1 and Count 2, Moore's license will be placed on probation for a period of two (2) years to include the following: 1) Moore, and her broker, report on a quarterly basis to the Board that she is in compliance with the rules and regulations of the Board; 2) Moore provide evidence acceptable to the Board that she has attended and successfully completed three (3) classroom hours of continuing education pertaining to the Ethics and Standards of Conduct and/or other equivalent course approved by the Board. Such course shall be completed in classroom hours (no on-line courses). Moore must provide proof of the course completion within 90 days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-03819, Cheryl L. Carte**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and to find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

File Number 2007-03819,
Cheryl L. Carte

A motion was made by Ms. Clark and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$2,000.00

for the violation contained in Count 1. The Board also imposes the following sanction(s): 1) probation for a period of two (2) years whereby Carte, and her principle broker, agree to report on a quarterly basis to the Board that she is in compliance with the rules and regulations of the Board. Carte and her principle broker shall provide to the Board on a quarterly basis, due March 1, June 1, September 1, and December 1 of each year, a written report on Carte's status as a licensee for the two year period indicating compliance. 2) In addition, Carte's license shall be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed the following: a) four (4) hours of continuing education pertaining to Ethics and Standards of Conduct; and b) four (4) hours of continuing education pertaining to Contracts. Such courses shall be completed in classroom hours (no on-line courses). Carte must provide proof of the course completion within 90 days of the execution of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The increased sanctions are based upon the facts of the case, and the seriousness and severity of the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02636, George W. Glaize, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Glaize. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order wherein Mr. Glaize admits to a violation of 18 VAC 135-20-190.D.4 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, and agrees to \$150.00 in Board costs for a total of \$550.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Oglesby and Taylor.

File Number 2008-02636,
George W. Glaize, Jr.

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

Ms. Taylor turned the position of Chair over to Ms. Childress and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2008-00964, Helen Akins**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the

File Number 2008-00964,
Helen Akins

Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,200.00 for the violation contained in Count 1, \$2,000.00 for the violation contained in Count 2, and \$2,500.00 for the violation contained in Count 3, for a total of \$5,700.00. The Board also imposes revocation of license for the violations contained in Count 1, Count 2, and Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03515, Mia T. Tharp**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-310.2 (Count 3) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-250 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-03515,
Mia T. Tharp

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, and \$2,500.00 for the violation contained in Count 4, for a total of \$6,000.00. The Board also imposes revocation of Tharp's license for the

violation contained in Count 1, Count 2, Count 3, and Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

As the presiding Board member, Ms. Taylor did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2008-00285, Charles A. Wigington**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, find (2 violations) of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations, find (2 violations) of 18 VAC 135-20-300.8.a (Count 4) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.5 (Count 5) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.6 (Count 6) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-300.9 (Count 7) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-240 (Count 8) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-00285,
Charles A. Wigington

A motion was made by Mr. Gaeser and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, \$2,500.00 for each violation contained in Count 3, \$2,500.00 for each violation contained in Count 4, no monetary penalty for the violation contained in Count 5, \$750.00 for the violation contained in Count 6, \$2,500.00 for the violation contained in Count 7, and \$800.00 for the violation contained in Count 8, for a total of \$19,050.00. The Board also imposes revocation of license for the violation of Count 1 through Count 8. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

Ms. Taylor returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2008-01578, Patricia Hill**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hill. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Hill admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Hill agrees to complete at least four (4) classroom hours of Board approved education pertaining to Escrow Management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-01578,
Patricia Hill

As the Board member who reviewed the file, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01392, Kathryn Bonzano**, the Board reviewed the Consent Order as seen and agreed to by Ms. Bonzano. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the proposed Consent Order wherein Ms. Bonzano admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.C.5 (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC-20-185.A (Count 4) of the Board's 2003 Regulations, and a violation of 18 VAC-135-20-185.C.1 (Count 5) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,250.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, and no monetary penalty for the violation contained in Count 5, as well as \$150.00 in Board costs for a total of \$4,400.00. In addition, for violation of Count 1, Bonzano agrees to complete at least four (4) classroom hours of continuing education pertaining to Broker Management and Supervision and/or other equivalent course approved by the Board and provide proof of attendance and successful completion. The course shall not be completed on-line. Further, for violation of Count 2, Bonzano agrees to complete at least four (4) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion. The course shall not be

File Number 2008-01392,
Kathryn Bonzano

completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. In addition, for violation of Counts 1 and 2, Bonzano agrees to suspension of her license until the above-referenced education requirements are completed. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Daniels, Gaeser, Johnson, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03186, Ataul Haq**, the Board reviewed the Consent Order as seen and agreed to by Mr. Haq. A motion was made by Mr. Oglesby and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Haq admits to a violation of 18 VAC 135-20-300.8.a (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-270.3 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Count 1 and Count 2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Counts 1-2, Haq agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-03186,
Ataul Haq

In the matter of **File Number 2008-01960, Eddie L. Jackson, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Jackson. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Jackson admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, and agrees to \$150.00 in Board costs for a total of \$450.00. In addition, for violation of Count 1, Jackson agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-01960,
Eddie L. Jackson, Jr.

In the matter of **File Number 2008-01779, Cynthia Joskowiak**, the

File Number 2008-01779,

Board reviewed the Consent Order as seen and agreed to by Ms. Joskowiak. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to reject the consent order, and extend a counter offer to Ms. Joskowiak wherein Ms. Joskowiak admits to a violation of 18 VAC-135-20-300.6 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$750.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for violation of Count 1, Joskowiak agrees to complete at least four (4) classroom hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Cynthia Joskowiak

In the matter of **File Number 2008-01781, Susan M. Moody**, the Board reviewed the Consent Order as seen and agreed to by Ms. Moody. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Moody admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, and agrees to \$150.00 in Board costs for a total of \$350.00. In addition, for violation of Count 1, Moody agrees to complete at least four (4) hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-01781,
Susan Moody

The Board recessed from 10:50-11:05.

Break

The Board reviewed the request from Tito Amaya to modify the Agreement for Licensure issued by the Board in File Number 2009-00120. Tito Amaya, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Mr. Oglesby to amend the agreement wherein Mr. Amaya and his supervising broker will report on a quarterly basis for a period of two years to the Board. Also, it is noted that Mr. Amaya waives rights to an Informal Fact-Finding Conference for this matter, and not

Administrative Issues

future matters. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Ms. Childress gave the Education Committee Report. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the November 5, 2008, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

**Education Committee
Report**

Kevin Hoeft, Education Administrator, gave the Board an update on the upcoming Advisory Council meeting, which will take place in December, 2008. No action was taken by the Board.

New Business

Mr. Oglesby gave the Board a report on the annual ARELLO meeting. No action was taken by the Board.

There being no further business, the Board adjourned at 12:20 P.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary